

### **Requirements for the Re-assessments**

The re-assessments shall examine the current strengths and challenges of the dependency court system, building on the results of the State's initial CIP assessment and any evaluation conducted of subsequent court improvement efforts. The re-assessments shall be comprehensive and include the areas studied in the initial assessment as follows.

The re-assessments shall examine the effectiveness, timeliness, and quality of proceedings that determine:

- whether to assume court jurisdiction over children;
- whether the child should be reunified with his or her family;
- whether to utilize out of home placement;
- whether to terminate parental rights;
- whether the permanency plan for the child should be reunification, adoption, legal guardianship, or placement with a fit and willing relative. If not, is there a compelling reason for an alternate planned living arrangement; and
- whether independent living services are provided to a child or youth up to age 21.

The re-assessments shall examine the effectiveness of State courts in carrying out related responsibilities for the protection of children under other Federal legislation, such as the Indian Child Welfare Act (ICWA) and the Child Abuse Prevention and Treatment Act (CAPTA).

These re-assessments shall, at a minimum:

- Identify rules, standards, and criteria imposed under State laws (including laws implementing titles IV-B and IV-E of the Social Security Act, laws relating to dependency, child abuse and neglect, and any other laws on related matters) designed to achieve safe, timely and permanent placements for children who are removed from their homes as a result of abuse/neglect or juvenile justice issues. Those laws should include laws applicable to judicial decisions concerning the placement of a child; determinations of whether reasonable efforts have been made to keep a child safely in his or her home; decisions approving the continuance of out of home placement for a child, or the child welfare agency's recommendation of reunification; termination of parental rights; and finalization of an adoption or other permanent placement.
- Identify procedures and rules, imposed by law or adopted voluntarily by the court system, addressing such matters as whether a proceeding should be administrative or judicial; timetables for proceedings; legal representation for all parties; provisions concerning the admissibility of evidence and the opportunity to present witnesses; procedural safeguards for parents, guardians, and children; and general rules for conduct of the proceedings. Procedures should include those for 12-month permanency hearings, the periodic (6-month) reviews where the court conducts those reviews, and notification of hearings and reviews for foster and pre-adoptive parents, and the procedures in place for filing for TPR after the child has spent 15 of the past 22 months in foster care.

- Evaluate the extent of conformity of the State court rules and practices with recommendations of national organizations concerned with the permanent placement of children such as *Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases* published by the National Council of Juvenile and Family Court Judges and the *Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases* approved by the American Bar Association.
- Evaluate the performance of the court system in implementing the State requirements described in the first two bullets above. In particular, this evaluation must assess:
  - the extent to which particular practices or procedures have been successful in facilitating compliance, or contributing to non-compliance, with those requirements;
  - the frequency and length of judicial delays;
  - whether there are limitations in available court time inhibiting the presentation of evidence and the making of arguments;
  - the extent to which parties and attorneys actually present witnesses, introduce evidence, and make pertinent legal arguments;
  - the functioning and quality of case tracking systems;
  - the extent to which court caseload size and resource limitations affect judicial performance;
  - how often parents and children have legal representation and the adequacy of such representation; and
  - the quality of treatment of all participants in the system (children, parents, foster parents, social workers, etc.).
- Assess: (1) the performance of courts and the degree of collaboration with the State child welfare agency as reflected in the statewide assessment, final report, and PIP resulting from a CFSR; and (2) the sufficiency of judicial determinations in court orders as reflected in the final report and PIP resulting from title IV-E foster care eligibility reviews.
- Assess the quality and adequacy of the information available to courts in child welfare cases, including agency reports, expert testimony, and basic information about the child and family.
- Assess the extent to which particular requirements imposed on State courts, as described in the first two bullets above, facilitate or impede achievement of the program goals of titles IV-B and IV-E of the Social Security Act, including the ASFA goals of safety, well-being, and permanency of children in foster care.

- Assess the extent to which particular requirements imposed on State courts, as described in the first two bullets above, impose significant administrative burdens on the courts.
- Examine the effectiveness of the relationship between the State court system and any applicable tribal court systems, and compliance with the ICWA.
- Develop recommendations for court improvement based on the findings of the re-assessment.